



**{In Archive} RE: Coffee Creek - CBS story is posted**

**Gayle Killam** to: Philip Crocker  
Cc: Matt Hubner, Russell Nelson

03/17/2011 11:59 AM

From: "Gayle Killam" <GKillam@rivernetwork.org>  
To: Philip Crocker/R6/USEPA/US@EPA  
Cc: Matt Hubner/R6/USEPA/US@EPA, Russell Nelson/R6/USEPA/US@EPA

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Phil,

Thanks for your response, again.

I would like to talk with you both (all) when Matt is back in. Please let me know when we might be able to have that call. I understand the differentiation between WQS and permits/enforcement in your office. I also see that you understand how they are inextricably linked to provide the protection needed for waterbodies.

I'll be back in touch. And meanwhile, I'll try to get a hold of Sarah, Mo, Steve, Ryan and/or Theresa Marks. Thank you.

Gayle

(503) 542-8387

(503) 806-1554 (cell)

*20 years helping people understand, protect and restore rivers and their watersheds.*

From: Crocker.Philip@epamail.epa.gov [mailto:Crocker.Philip@epamail.epa.gov]  
Sent: Thursday, March 17, 2011 7:50 AM  
To: Gayle Killam  
Cc: Hubner.Matt@epamail.epa.gov; Nelson.Russell@epamail.epa.gov  
Subject: RE: Coffee Creek - CBS story is posted

Gayle, I sent an inquiry to Steve Drown at ADEQ on the status of the UAA to find out where they are at. Russell contacted Sarah Clem at ADEQ and she said that the UAA is moving forward, but slowly. All along we have pushed to be involved from the standpoint of the work plan and QAPP, and I am confident that they will include us--although they haven't yet. I believe the state wants to evaluate the use before modifying permit limits. I believe some of the limits reflect a discharge of the plant to the River as opposed to the lake and creek, so a use change could really affect the permit. Please note that we are in the WQS arena rather than enforcement/permitting. The state is delegated to take the lead on those aspects. Matt has told me that you wanted to talk and we have both been busy. Matt is out this week but perhaps in the next week or two we can set up a conference call (will will be the point of contact) to discuss your concerns. I agree with many of the concerns you outlined below. Based on our experience these things can move slowly, so steady coordination and communication with the state is important.

Best Wishes,

Phil

From: "Gayle Killam" <GKillam@rivernetwork.org>  
To: Philip Crocker/R6/USEPA/US@EPA  
Cc: Matt Hubner/R6/USEPA/US@EPA  
Date: 03/16/2011 02:30 PM  
Subject: RE: Coffee Creek - CBS story is posted

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Hi Phil,

Thanks for your quick response. I know about the plan for the new UAA, but the great concern is how the presence of aquatic life (found by EPA in 2007) has been ignored by the state and was ignored through the development of the GP permit and therefore there are not effluent limits in place that can protect for the aquatic life that your colleagues/consultants found. It would not be hard to imagine that ADEQ will find no aquatic life in that same stretch - whether they have been killed off or they just don't look as hard as the previous investigators looked is the question. Is EPA involved in the UAA this time around at all?

The state told us in November they "questioned the methodology" of the previous UAA. That would perhaps be a plausible reason for performing another UAA IF there had not been any aquatic life found and the conclusions were more about the potential for attainment of aquatic life use. The extent of the pollution discharging into Coffee Creek has everything to do with the inadequate limits in the permit.

While the attached news article focuses on another requirement of the Arkansas water quality standards, the fact that the plant is in compliance with a permit that is not adequate to protect the existing uses (at least as they were documented in 2007) is the problem.

Because the UAA process has been widely used to exempt many Arkansas waters from Clean Water Act protections is a broader concern. I plan to follow up with ADEQ on these points as well as folks at EPA HQ. I would welcome the chance to talk with you more about Region 6's role in improving the conditions in Coffee Creek, Mossy Lake, Oachita River as well as all the Arkansas waters that have been subject to UAA or site-specific criteria. As you know, both of those processes are supposed to be revisited every three years.

Thanks, Phil. I appreciate your response.

Gayle Killam  
River Network

(503) 542-8387  
(503) 806-1554 (cell)

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From: [Crocker.Philip@epamail.epa.gov](mailto:Crocker.Philip@epamail.epa.gov) [<mailto:Crocker.Philip@epamail.epa.gov>]  
Sent: Wednesday, March 16, 2011 4:59 AM  
To: Gayle Killam  
Cc: [Hubner.Matt@epamail.epa.gov](mailto:Hubner.Matt@epamail.epa.gov)  
Subject: Re: Coffee Creek - CBS story is posted

Hi Gayle,

Thanks for this information and your interest in investigating this. The state has since agreed to conduct their own UAA with Georgia-Pacific. We'll touch base with them on that to make sure there is movement, and share this information with our permits and enforcement folks.

Phil

From: "Gayle Killam" <GKillam@rivernetwork.org>  
To: Philip Crocker/R6/USEPA/US@EPA  
Date: 03/16/2011 01:12 AM  
Subject: Coffee Creek - CBS story is posted

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Hi Phil,

I spoke with you and Matt in November and then Matt again in December about our concerns regarding Arkansas' inaction related to the findings in EPA's 2007 UAA for Coffee Creek and Mossy Lake in Arkansas. As I mentioned, we witnessed disturbing conditions just downstream of the GP treatment pond (which seems to be essentially in Coffee Creek).

I haven't heard back from Matt regarding this issue since our last conversation, so I thought I'd better reach out to you.

Here is a story that has just been posted by CBS on this matter. Even without appropriate uses and effluent limits in place, there are egregious violations from this mill. This is unacceptable and could have been corrected in the issuance of the 2010 permit if appropriate regulatory action had been taken on the UAA findings in this year's triennial review.

[http://www.cbsnews.com/8301-31727\\_162-20043531-10391695.html](http://www.cbsnews.com/8301-31727_162-20043531-10391695.html)

We hope you will take appropriate steps to correct this situation.

Gayle Killam

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